IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
SUMMONS FOR JUDGMENT NO.889 OF 2004
IN
SUMMARY SUIT NO.2908 OF 2004

Bank of India ...Plaintiff.

V/s.

M/s. Rashtriya Veg.Restaurant & Anr....Defendants.

Mr.C.K.Thomas for the Plaintiff.
Mr.Mohan Pillai for the Defendants.

CORAM: S.U.KAMDAR,J.
DATE : 11th October, 2005.
P.C.:

1. The Suit is filed on overdraft facility. Reliance is placed on Promissory Note which is a collateral security. Suit is not maintainable as Summary Suit under the Order 37 Rule 2. And therefore, Summons for Judgment is dismissed. Unconditional leave to the Defendants is granted.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned judge taking Commercial Causes.

(S.U.KAMDAR,J.)